



Effective Feb 18, 2006

Protecting, maintaining and improving the health of all Minnesotans

February 16, 2006

Ms. Brooke Ellen Bartsh
[REDACTED]

RE: MDH File Number OTA-050023
[REDACTED]

Dear Ms. Bartsh:

I am revoking your license to practice as an occupational therapist. Based on my review of the facts and law in this matter, I have determined that you: [1] failed to provide information in response to a request from the commissioner, within 30 days of that request, which is a ground for disciplinary action, pursuant to Minnesota Statutes, section 148.6448, subdivision 1(2); [2] failed to cooperate with an investigation, which is a ground for disciplinary action, pursuant to Minnesota Statutes, section 148.6448, subdivision 1(10); and [3] failed to complete a minimum of 24 contact hours of continuing education during the two years preceding license renewal, which is a condition of continued licensure, pursuant to Minnesota Statutes, section 148.6443, subdivision 1. Therefore, I am revoking your occupational therapy license. This action is authorized under Minnesota Statutes, section 148.6448, subdivision 3(3).

This decision will be made final and effective 30 days from the date it is received by you. During that 30-day period, you have the right to challenge this decision in a contested-case hearing, as provided under Minnesota Statutes, Chapter 14. Requests for a hearing should be made in writing and include specific grounds for challenging the Department's decision. If you wish to request a hearing, please send, deliver, or fax a written hearing request, within 30 days of your receipt of this letter, to:

Susan Winkelmann, Investigations and Enforcement Manager
Minnesota Department of Health
85 East Seventh Place, Suite 300
PO Box 64882
Saint Paul, MN 55164-0882
Fax: 651/282-3839

If you have any questions about this matter, please contact Kyle Renell at 651/282-5625.

Sincerely,

David J. Giese, Director
Compliance Monitoring Division

cc: Tom Iliendlmayr, Director of the Health Occupations Program
Susan Winkelmann, Manager, Investigations and Enforcement Unit

BEFORE THE MINNESOTA
COMMISSIONER OF HEALTH

HEALTH OCCUPATIONS PROGRAM
STAFF DETERMINATION

RE: In the matter of Brooke Ellen Bartsh

AUTHORITY

1. The Minnesota Department of Health (MDH) has the authority to discipline occupational therapists for violations of law under Minnesota Statutes, section 148.6448, subdivision 1. Pursuant to Minnesota Statutes, section 148.6448, subdivision 3, the types of discipline MDH may impose includes revocation of licensure.
2. Pursuant to Minnesota Statutes, section 148.6448, subdivision 1(2), a practitioner's failure to provide information in response to a request from the commissioner, within 30 days of that request is a ground for disciplinary action.
3. Pursuant to Minnesota Statutes, section 148.6448, subdivision 1(10), a practitioner's failure to cooperate with an investigation is a ground for disciplinary action.
4. Pursuant to Minnesota Statutes, section 148.6443, subdivision 1, a practitioner must complete a minimum of 24 contact hours of continuing education during the two years preceding license renewal.
5. Pursuant to Minnesota Statutes, section 148.6443, subdivision 2, to qualify as a continuing education activity, the activity must: [1] constitute an organized program of learning; [2] reasonably be expected to advance the knowledge and skills of the occupational therapy practitioner; [3] pertain to subjects that directly relate to the practice of occupational therapy; [4] be conducted by individuals who have education, training, and experience by reason of which the individuals should be considered experts on the subject matter of the activity; and [5] be presented by a sponsor who has a mechanism to verify participation and maintain attendance records for three years.
6. Pursuant to Minnesota Statutes, section 148.6443, subdivision 3, activities which qualify for continuing education contact hours include: [1] attendance at educational programs of annual conferences, lectures, panel discussions, workshops, in-service training, seminars, and symposiums; [2] successful completion of college or university courses; and [3] successful completion of home study courses that require the participant to demonstrate the participant's knowledge following completion of the course.

FINDINGS OF FACT

1. Brooke Ellen Bartsh [hereinafter "Practitioner"] has been either registered or licensed as an occupational therapist since August 15, 1996.
2. During 2004 and 2005, Practitioner repeatedly attempted to contact an MDH employee who formerly worked as Credentialing staff assigned to occupational therapist licensing. Practitioner contacted this individual approximately three times and was told he had not worked with occupational therapy licensing for two years and that she needed to speak with someone in the Health Occupations Program. Practitioner was provided with the name and telephone number of the current Credentialing staff member.
3. On May 4, 2004, Credentialing staff received Practitioner's renewal application, dated April 29, 2004. Practitioner stated she was not working because her company went bankrupt and she was "mending and healing" from a "severe digestive problem" but hoped to return to work. Practitioner included with her application, a continuing education report dated April 29, 2004, on which she claimed credit for the following:
 - a. "I had drawn 4 faces to send in to the speech depart. I hope these may be in a communication wallet to increase functional I in a team effort. For speech + OT to work together". Practitioner listed "original drawings" as the presenter/sponsor/designee and stated she attended to this activity "on-going in a team approach" and claimed four contact hours. [sic]
 - b. "Researching on HIV Immunology Possible Solutions." Practitioner listed "Brooke Bartsh + Edina Hennepin Cty Library self researcher" as the presenter/sponsor/designee and stated she attended "on going > research + my learning + gaining insight + knowledge about this disease & sharing information with others" and claimed "4+" contact hours. [sic]
 - c. "I have recommended to the state that all state vehicles have low back-up sounds as many deaf persons have a regional hearing loss & are able to hear low tones beter + also the high pitch sounds will stay stay also." As presenter/sponsor/designee, Practitioner stated, "Brooke Bartsh A Political Leader that all will hopefully be passed into law in 2006 have vote & this also facilititates + hopes this will be passed into law in 2006." For the attendance dates, Practitioner stated, "On-going > this representatives complete I spoke with a political leader I am beginning to understand their method." Practitioner claimed "4+" contact hours and wrote, "A little boy in the neighborhood would still be alive to day if the truck had even these tones on the truck." [sic]
 - d. "I designed a sequencing task to engage the client in a purposeful activity to ^ I in leisure skills pt. made an ornament-candy cane ornament with beads". [sic]

Practitioner listed herself as presenter, stated she accomplished this activity "about Dec. 12, 2003" and claimed four contact hours.

- e. "I learned how to do minor repairs for auto body repair from my dad." For presenter/sponsor/designee, Practitioner stated, "my dad Brooke Bartsh This knowledge would be a beginning to teach more complex auto body repair." For attendance dates, Practitioner stated, "About 9/2003 My learning is on-going minor auto body repairs—such as removing rust by sanding, priming & ptgng." Practitioner claimed "3+" contact hours. [sic]
 - f. "I had set-up a book for needlework & reviewed stitches—ie, embroidering & sewing to later increase functional indepenence in leisure skills." Practitioner did not provide either a presenter/sponsor/designee or attendance dates, but claimed "5+ hours and stated, "basically a female task This would provide a leisure skill other than TV for the pt." [sic]
 - g. "I became involved with city representatives to make a safer handicapped crossings + sidewalks that would later increase safety for a residence of a group home + also increase community integration. The city put in adaptive lights, removed a building & painted the sidewalk to provide a safer environment for the residents of the group home." Practitioner listed herself as presenter, then gave the attendance dates as "on-going > about 3/2004" and stated, "I give reminders to continue project, etc." and "on-going talked with construction crew to provide opinion regarding this project + talked with the city planning commitee." Practitioner claimed "3+" contact hours. [sic]
 - h. "I located a program to refer pts. To learn auto body to increase indepenence & provide a vocational skill that would provide a vocational skill that would provide a good wage & self sufficiency." As presenter/sponsor/designee, Practitioner stated, "I did the researching to community resources. Mike is the contact person" and provided a telephone number. For attendance dates, Practitioner stated, "About in August 2003 + on-going." Practitioner claimed "3+" contact hours. [sic]
4. By letter dated June 25, 2004, Credentialing staff returned to Practitioner a copy of her continuing education report, along with a copy of Minnesota Statutes, section 148.6443, and asked her to resubmit the appropriate information. While Practitioner was not given a deadline by which to respond, Credentialing staff stated, "your prompt response to this request will be appreciated."
5. By letter dated July 2, 2004, and received on July 9, 2004, Practitioner stated her continuing education credits were completed by April 29, 2004, and received by the department on May 4, 2004. Practitioner acknowledged receipt of the June 25th letter on

July 1, 2004, and stated it was received on the date by which she was required to respond, which left her with no time "to correct the problem." Practitioner stated she would "pay the late fee and will cooperatively correct the area that was in discussion."

6. By letter dated July 21, 2004, Practitioner enclosed her continuing education hours and stated, "it has been a time of hardship for me & I could not afford the expensive seminars. I reviewed my books & manuals from school, from libraries + advance magazines for OT's. I hope this is what you wanted in regards to correspondence we've had." On a continuing education record dated April 29, 2004, and July 21, 2004, Practitioner claimed the following:
 - a. "Overview: subjects: [1] Vocation skills [2] Daily living skills [3] Consulting work [4] Researchin work [5] Leisure skills [6] Community interation [7] Presentation". Practitioner claimed the presenter/sponsor/designee was "self study" which she attended "2003 > 2004" and claimed "24 hrs. total". [sic]
 - b. "Researching vocational options for disvantaged youth & learning community resourses." For presenter/sponsor/designee, Practitioner stated, "self/sponer/dessigne-electronic recvoery ok'd to sign off on by phone call see attachment." Practitioner stated she accomplished this "about 10/3/03" and claimed "about 2 Hrs" contact time. [sic]
 - c. "Places for vocational training I am learning to use more community resources." Practitioner stated the sponsor was "Newgate educ. Self, auto body", she completed the task "about 8/5/03", that it was "ok'd by call", and claimed "about 2 hrs" contact time. [sic]
 - d. "Consulting work work-auto body". Practitioner stated the presenter was "Mr. Bartsh", who "signed" and "o/ked" the activity, which Practitioner stated occurred "About 9/8/03" and "1:1 acknowledged". Practitioner claimed "about 2 hrs" contact time. [sic]
 - e. "Consulting work for handicap crossings." Practitioner listed the presenter as "Blm council ok'd self/review" on 3/4/04, and claimed "about 2 hrs" contact time. [sic]
 - f. "Collecting ideas for leisure & purposeful activitings, ie, making weaths snow flakes etc." Practitioner listed "self review" as the presenter "about 12/10/03" and claimed "6 hrs" contact time. [sic]
 - g. "Enhancing communication + community integration." Practitioner stated this activity was conducted through "self review of sign language & communication wallets" on 10/2/03, and she claimed "2 hrs" contact time. [sic]

- h. "Designing facts for communication wallet". Practitioner stated she accomplished this through "self art work" about 10/3/03, and claimed "2 hrs" contact time. Practitioner included with her documentation, a page with four faces drawn inside circles with the captions, "I am crabby," "I'm happy," "I feel sarcastic today... well..." and "I'm sad."
 - i. "Presentation of SI techniques" for which Practitioner listed herself as "self presenter" on 2/11/2004" and claimed "6 hrs" contact time. [sic]
- 7. By letter dated August 16, 2004, MDH Credentialing staff notified Practitioner her continuing education report which was due June 30, 2004, had been received, but was referred to the I&E Unit for a pending investigation. Credentialing staff also enclosed Practitioner's personal check in the amount \$25 and stated her renewal application had not been received late.
- 8. By memorandum dated March 8, 2005, the I&E Manager concluded Practitioner "clearly misunderstood" the continuing education requirements and had merely sent in documentation of hours during which she studied on her own and that she had no acceptable hours during the reporting period.
- 9. On March 10, 2005, Practitioner telephonically contacted an MDH employee formerly assigned to the occupational therapy licensure program and was told he had not been assigned to that program for two years. The employee referred the matter to the Credentialing manager, who was unable to return Practitioner's telephone call when it was determined the telephone number she provided was assigned to a travel company.
- 10. By letter dated March 16, 2005, I&E staff requested Practitioner explain why she had not complied with the continuing education requirements. Practitioner was provided with a blank continuing education form and asked to respond by April 13, 2005.
- 11. On March 21, 2005, at 3:35 p.m., Practitioner left a voice mail message for I&E staff in which she stated "it's not a power struggle or anything like that", that she was signing up for her classes and getting the approval; that she had been assaulted and left for dead; that a man hit her head "over and over and over and over again" and "he even took part of my nose off"; that she was "trying very sincerely to get the CE approved" but she did not have the budget for them; that she is "probably about learning disabled right now with the head injury or contusion"; that "they" think her "brain is damaged" "from the assault and being hit over the head so many times and the blood". Practitioner offered to send in a picture of herself.
- 12. On March 22, 2005, at 3:03 p.m., Practitioner telephonically informed I&E staff she was assaulted getting off a bus and that she wants to quit being an occupational therapist.

Practitioner asked whether she had committed a crime, and was told she had not committed a crime, but that she had failed to comply with the continuing education requirements. Practitioner claimed she has been a "miracle worker", does not want to fight with anyone, will think it over and see if there is "any hope" for her return, and would write a response. Practitioner asked that the investigator not hurt her or "ruin" her life, that she was disappointed with the department and does not understand what she has done wrong. Practitioner stated she sells AVON and they have wonderful products, then repeated she did not want to fight with the department, that she would send a written response, that she has a severe digestive disorder and wanted to come back but could not, that she hoped she had not said anything wrong or made the investigator feel intimidated, but that the investigator had ruined her livelihood.

13. By letter dated March 23, 2005, I&E staff questioned Practitioner about her employment, "severe digestive disorder", and the assault which she claimed resulted in brain damage and a learning disability. Practitioner's response was due by April 22, 2005.
14. On March 24, 2005, at 11:30 a.m., Practitioner left a voice mail message for I&E staff in which she stated she "resigned from occupational therapy."
15. On March 28, 2005, at 10:05 a.m., during a telephone conversation with I&E staff, Practitioner stated she had checked the statutory requirements for continuing education and knew they did not have to be approved; that NBCOT requires approval but the state does not; that an example of something she thinks would be important is to take sign language with an SLP so she can better deal with hearing impaired people; that only the contact hours have to be approved, not the course; that one of her ideas was to gather ideas for craft classes; that she used a sequencing task to create ornaments by putting beads on pipe cleaners; that you rarely see craft classes with patients and that it is good to have them; that she would cooperate as best she can; that she had been assaulted and had a "setback", but the doctors were testing her to see if she is learning disabled; that she was an older worker, and does things slower anyway; that she works with developmentally delayed and autism patients and that she needs to work slowly because they become agitated; that she loves her work but can say "yes" or "no"; that she received a letter from the "attorney general" on Saturday which was "scary"; that if she cannot practice, she wants to retire in good standing; that she had started taking pictures; that the problem with her continuing education credits may have been that she put "about" for the dates since she was not sure of the dates and it was "scientific research"; that she called the City of Bloomington to paint the sidewalks, that the city tore down a building because of her, that she motivates them to do things and then they do them; that she is involved in a number of things to make a good environment for everyone; that she is a "peaceful person" and does not want to fight; that an attorney called her, but she does not know if was the attorney general, but that it was scary to have an attorney call her; that the doctors were going to check her for brain damage since she has had symptoms of brain damage and she knows a little bit about the symptoms because of her research; that is trying to do

her best and to be as honest as she can; that she had tears in her eyes; that she give a verbal resignation but did not confirm in writing and it had to be in writing to be valid. Practitioner concluded by stating she hoped she would not be "quoted with one single word and be taken out of context", that she did not want to "fight with anybody", that if she says "no" she wants to leave with good standing and early retirement, and she was sorry if she had taken too much staff time.

16. On March 28, 2005, at 11:31 a.m., during a telephone conversation with I&E staff, Practitioner confirmed she received the letter dated March 26, 2005. Practitioner stated she was not responsible for everything she says and "wanted to work cooperatively with everyone", then apologized if she did anything wrong. Practitioner stated she was working for AVON, was still weak from a "severe digestive disorder", that she had been assaulted by a man, which was "very traumatic", that she had checked the statutory requirements for continuing education credits and knew they did not have to be approved, that she used the most cost effective means to get her credits, that she would never do anything to harm a client, that she did not know whether she had brain damage but thought she did, that she "verbally resigned", that she understood she needed to put her wishes in writing, that she thought she might be able to go back to work in the fall, that she was assaulted getting off a bus on "July 29 and 30th", that she is a senior and wants to resign "with a good name", that she is "too weak to fight you", that she is "just a little OT trying to make her way in the world", that she is "not liable" for any word she "utters", that she would put her resignation in writing, that she does not want to cause a problem for anyone, and that she just wants to take the "good memories" from OT and put them to work in her own life. I&E staff explained that since Practitioner had disclosed she had suffered brain damage, it was necessary for the department to determine whether she was safe to practice.
17. On April 7, 2005, Practitioner left a voice mail message for the MDH Data Practices attorney and stated the following: "Hello is this the correct area for the attorney that represents the Minnesota Department of Health. This is Brooke Bartsh calling and I resign from occupational therapy. Thank you very much and goodbye."
18. On April 7, 2005, at 1:07 p.m., Practitioner left a voice mail message for I&E staff in which she stated, "Hello, this is Brooke Bartsh calling and I resign from being an occupational therapist. Thank you very much. Goodbye."
19. On April 8, 2005, at 2:32 p.m., Practitioner left a voice mail message for I&E staff in which asked whether her notice of resignation had been received. Practitioner concluded by stating, "I resign as being an occupational therapist. Thank you. Goodbye."
20. On April 8, 2005, at 2:34 p.m., Practitioner left a voice mail message for I&E staff in which she stated she "resigned from being an occupational therapist", wanted to double check to make sure the information was received, and that she would send confirmation

by mail.

21. By letter dated April 12, 2005, addressed to Credentialing staff, and received on April 13, 2005, Practitioner stated the following: "I resign. Brooke Bartsh".
22. By letter dated "April 12," addressed to I&E staff, and received on April 13, 2005, Practitioner stated the following: "I resign. Brooke Bartsh".
23. By letter dated April 12, 2005, addressed to an I&E investigator, and received on April 14, 2005, Practitioner stated the following: "I resign. Brooke Bartsh".
24. By letter dated April 12, 2005, addressed to Credentialing staff, and received on April 15, 2005, Practitioner stated the following: "I resign. Brooke Bartsh". Practitioner added the following handwritten statement: "Resubmitted with signature April 12, 2005."
25. By letter dated "April 12", addressed to I&E staff, and received on April 18, 2005, Practitioner stated the following: "I resign. Brooke Bartsh". Practitioner added the following handwritten statement: "2005 bb Added year to document resubmitted bb on April 13, 2005 bb".
26. On April 14, 2005, Practitioner telephonically contacted an MDH clerical staff member and stated she was not going to practice as an occupational therapist. Practitioner was instructed to put her statement in writing, addressed to the Credentialing staff member. Practitioner then explained she had been beaten so badly she could not continue as an occupational therapist. Practitioner was again instructed to put the information in writing.
27. On May 6, 2005, the Minneapolis Star Tribune published an obituary notice for "Ruby V. Bartsh" which stated she passed away on Wednesday, May 4, 2005. Practitioner was listed as one of the deceased's children.
28. On August 23, 2005, Practitioner telephonically contacted Credentialing staff and stated she was thinking about going into private practice and wanted more information concerning continuing education requirements. Practitioner explained she was on a leave of absence and that she "is willing to do whatever she needs to do to get it back so she could start her private practice." Practitioner discussed the continuing education credits she took and stated she thought they should be acceptable to the department. When Credentialing staff explained continuing education credits must fit the statute and she needed to be able to provide proof of completed, Practitioner stated she had been assaulted and left for dead, that she had been hit "over and over again with a two by four", and that she had a "digestive disorder."
29. On October 24, 2005, Practitioner left a voice mail message for the Credentialing Manager and stated she was "mending and healing from a severe digestive disorder" and

was "getting stronger". Practitioner stated she was "on a leave of absence" after the setback she suffered because of the assault. Practitioner stated she was attempting to start a consulting business and was on a family leave of absence because of her parents' failing health. Practitioner claimed she wanted to return to occupational therapy practice and "will do this in a cooperative effort very much". Practitioner concluded by stating, "currently, I am a non-practitioner and I am on a family leave of absence. Thank you very much and my CAT-Scan came back good, so there was no damage and I'm a very good, kind, accomplished therapist."

30. On November 1, 2005, Practitioner telephonically spoke with the Credentialing Manager and claimed there had been a misunderstanding concerning her continuing education and that she would "comply with the stipulation" from I&E staff, that she will pay the late fee and "comply with all regulations". When asked for a telephone number where she could be reached so an appropriate staff member could call to answer her questions, Practitioner stated it was "not a good time" because her mother died, her father was ill, and she intends to go into retirement "part-time". Practitioner then made a series of disconnected statements.
31. By Second Notice dated November 3, 2005, Practitioner was provided with a copy of the March 23rd letter and asked to provide a written response by December 5, 2005.
32. On December 1, 2005, Practitioner left a series of three short voice mail messages, between 20 and 58 seconds long, for I&E staff.
 - a. At 1:30 a.m., Practitioner stated she was "going into retirement".
 - b. At 1:38 a.m., Practitioner stated she had been an AVON Representative since 1997, did not have a supervisor, her company went bankrupt, she has had diarrhea for 30 years, and she does not have brain damage.
 - c. At 1:42 a.m., Practitioner stated she was "going into retirement" and had been "very intimidated" by I&E staff.
33. By Third Notice dated December 1, 2005, Practitioner was provided with a copy of the Second Notice dated November 3, 2005, and the March 23rd letter. Practitioner was asked to provide a written response to the questions posed in the March 23rd letter, by January 3, 2006.
34. On December 5, 2005, I&E staff received the original copy of the second notice to Practitioner, dated November 3, 2005. On the original, Practitioner highlighted in yellow, "Please provide a written response to the questions in the March 23rd letter, **on or before December 5, 2005.** Failure to do so may result in disciplinary action." [emphasis in the original] Practitioner also handwrote the following: "11/30/05 I resign & I am going into

retirement. Brooke Bartsh."

35. On December 26, 2005, at 6:03 a.m., Practitioner left a voice mail message for I&E staff in which she stated she was not completely responsible for what she says and that she was going into "early retirement". Practitioner claimed she had been "checked over" and had no brain damage, but that her assault had been a "set back". Practitioner explained she was "mending and healing" from a "severe digestive disorder" and is alternatively strong and weak. Practitioner concluded by repeating "the assailant beat my head over and over again and slit my nose" and claimed she was "complying with all regulations".
36. On December 29, 2005, Practitioner left two voice mail messages:
 - a. At 4:27 p.m., in a two minutes and 15 second voice mail message to the Credentialing Manager, Practitioner stated she was resigning from occupational therapy and going into early retirement. Practitioner advised she would answer the questions posed by I&E staff, asked that she not be called back, but gave her telephone number, then stated she was disappointed in the department.
 - b. At 10:17 p.m., in a 15 second voice mail message, Practitioner stated she resigned and was "going into retirement".
37. On January 3, 2006, at 10:07 a.m., Practitioner left a voice mail message in which she stated she would hand-deliver her continuing education and was working "in a cooperative manner". Practitioner provided her telephone number, then stated it was unnecessary to call, since she had already provided the information.
38. On January 4, 2006, Practitioner arrived at the MDH reception area and was met by the clerical supervisor. Practitioner stated she would "comply with everything we want her to", that she would like her license, but will understand if she cannot have it, and that she continues to grieve the deaths of her mother and nephew. Practitioner presented a photograph of herself and asked staff to sign a statement acknowledging receipt. In the photograph Practitioner is shown with a bloody nose. Along with the photograph, Practitioner provided a copy of the Third Notice from I&E staff, dated December 1, 2005, on which the following was noted: [1] the handwritten statement: "12/18/2005 I resign. I'm going into retirement. Brooke Bartsh; and [2] the typewritten statement: "I would like to keep my liscensure current if possible to fall back on as another option. My effort has always been sincere." [sic] Also enclosed was a copy of a typewritten letter, dated December 29, 2005, in which Practitioner stated the following: she has been employed by AVON for four years; she "had diahrea for 28-30 years" after being prescribed magnesium gluconate by "4 famous Drs." [sic] Practitioner stated she was "assaulted on July 29, 2004, a man Someone tried to murder me. An assailent battered my head over and over again with a big club and also slit my nose practially off." [sic] That she "did not have any cognitive problems that I am aware of. I was checked out----no brain damage. I

have passing headaches once in awhile. Ibobrahn helps." [sic] "I don't have any damage according---a CT scan normal." "I would be the first to step-down if I was not safe." "No learning disability---I am extremely intelligent & graduated in the top 10% of my class in high school out of 780 students." "I will totally comply with all regulations." "I am very sorry if I didn't understand all the rules. And I didn't mean to be redundant if I asked a couple of questions." "And as occupational therapists we give meaning to life---" "for every thing there is a purpose" to maximize functional independence & quality of life & the spirituality of the pt." [sic] "Currently I am a non-practicing practioner ambiding by Ms. Cail. Representing the s State Health Dept." [sic] "I continue to mend and heal and and hopeful to return to my profession. later in the year." [sic] Practitioner concluded by stating, "I also hope you will understand that I had a set-back from the assault and request a little extra time to complete educational units." Practitioner also enclosed a copy of a typewritten letter dated October 25, 2005, and addressed to "Dr. Robert Mackie, MD" in which she stated, "This is Brooke Bartsh Just a note to let you know that I continue to mend and heal from the diareeha I had for about 30 years. I was so grateful you solved the problem. Sometimes I'm weak & sometimes I'm strong.....my strength & my endurance is variable. Currently, I am a non-practicing practioner. I am going into retirement on a part-time basis. I am hopeful to return to my profession later this year, or the beginning of next year. I will work in a cooperative effort to complete my educational units. And, my effort has always been sincere. I will totally comply with all regulations." Practitioner concluded the letter with the following notations: "cc: Minnesota Dept. of Health", "cc: AOTA", "cc: MDH:", "cc: NBCOT", "revised letter to the above Agencies. Will totally comply with regulations. bb", and "DHS". [sic]

39. By letter dated January 5, 2006, I&E staff acknowledged receipt of the materials Practitioner hand-delivered the previous day and noted she provided conflicting statements regarding her intention to practice and her failure to comply with I&E staff requests. A records release addressed to Robert Mackie, MD was enclosed, along with a franked return envelope. Practitioner was asked to sign, date, and return the release, and to provide a list of her healthcare providers, as previously requested. Practitioner was asked to respond by February 7, 2006.
40. On January 10, 2006, I&E staff received a voice mail message from Practitioner in which she stated wanted to retire and not practice occupational therapy "anymore."
41. On January 11, 2006, Practitioner telephonically contacted I&E staff and requested an extension to "give more thought" to her decision as to whether she wanted to continue working. Practitioner claimed she was complying with the department and hoped she was not intimidating staff. When told she needed to provide the information requested, Practitioner stated she submitted the requested information in her letter dated December 29, 2005, but did not recall receiving a follow-up communication from the department. Practitioner ended the conversation by stating she was not responsible for anything she utters and that she did not understand all the "technical jargon." During the telephone

call, Practitioner implied she was recording the conversation.

42. By letter dated January 11, 2006, I&E staff referred to Practitioner's telephone call and provided a copy of the January 5, 2006, letter. Practitioner was asked to provide a written response by February 7, 2006.
43. On January 14, 2006, Practitioner left a voice mail message for I&E staff in which she stated she "definitely" resigned and "would never go back"
44. On January 17, 2006, Practitioner left a voice mail message for the Credentialing Manager in which she stated she has resigned from occupational therapy in the State of Minnesota, and that she "will confirm I will not pursue my licensure in Minnesota." Practitioner requested a copy of the current statute for her records, then noted it was a difficult decision for her to make. A copy of the occupational therapy practitioner statute was mailed to Practitioner the same day.
45. On February 6, 2006, at 4:10 a.m., Practitioner left a voice mail message for I&E staff in which she stated "I resign and I am going into retirement."
46. By letter dated February 6, 2006, and received on February 8, 2006, Practitioner stated, "Kindly be advised that I am going into Retirement. Respectfully I resign." [sic]

CONCLUSION

1. Practitioner failed to provide information in response to a request from the commissioner, within 30 days of that request, which is a ground for disciplinary action, pursuant to Minnesota Statutes, section 148.6448, subdivision 1(2).
2. Practitioner failed to cooperate with an investigation, which is a ground for disciplinary action, pursuant to Minnesota Statutes, section 148.6448, subdivision 1(10).
3. Practitioner failed to complete a minimum of 24 contact hours of continuing education during the two years preceding license renewal, which is a condition of continued licensure, pursuant to Minnesota Statutes, section 148.6443, subdivision 1.

STAFF DETERMINATION

Practitioner's license to practice as an occupational therapist should be revoked.